

UNITES STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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THE NEW YORK DISTRICT COUNCIL OF
CARPENTERS PENSION FUND, NEW YORK CITY
DISTRICT COUNCIL OF CARPENTERS WELFARE
FUND, NEW YORK CITY DISTRICT COUNCIL OF
CARPENTERS VACATION FUND, NEW YORK
CITY DISTRICT COUNCIL OF CARPENTERS
ANNUITY FUND, NEW YORK CITY DISTRICT
COUNCIL OF CARPENTERS APPRENTICESHIP,
JOURNEYMAN RETRAINING, EDUCATIONAL
AND INDUSTRY FUND, NEW YORK CITY
DISTRICT COUNCIL OF CARPENTERS CHARITY 07-CV-08008 (RJS)
FUND, by their Trustees Michael J. Forde and Paul
O'Brien, and NEW YORK CITY AND VICINITY
CARPENTERS LABOR-MANAGEMENT
CORPORATION,

Plaintiffs,

-against-

KW CONSTRUCTION INC., as Successor to K W
GENERAL CONTRACTOR, INC. and JOHN WHYTE
d/b/a KW CONSTRUCTION, INC., and JOHN
WHYTE, individually,

Defendants.

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STATE OF NEW YORK)
) ss:
COUNTY OF NEW YORK)

MATTHEW F. DAVIES, being duly sworn, deposes and says:

1. I am over eighteen years of age, not a party to the above-captioned matter,
and competent to testify on the matters set forth herein on the basis of my personal
knowledge.

2. On Friday, December 14, 2007, I spoke with Kevin Galage on the telephone. Mr. Galage identified himself as the real estate agent representing the sellers of the Banquet Hall - Inn located at 1700 Rout 17M, Goshen, NY 10924.

3. Mr. Galage told me that the banquet hall is for sale for the price of one million dollars.

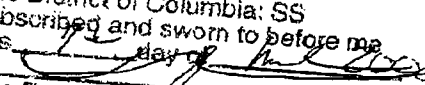


MATTHEW F. DAVIES

Sworn to before me
This 10th day of January 2008



NOTARY PUBLIC

The District of Columbia: SS
subscribed and sworn to before me
this 10th day of January 2008

Lisa Renee Johnson
Notary Public, DC
My commission expires 10/14/2011